

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

V.

DAVID GRUDZINSKI

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§

CRIMINAL NO. H-17-488-S

**UNITED STATES' UNOPPOSED MOTION FOR AN
ORDER IMPOSING MONEY JUDGEMENT**

The United States moves for the entry of an order imposing a personal money judgment of \$2,417,066.91 against Defendant David Grudzinski. The Defendant is not opposed to this motion and expressly agreed to the imposition of a money judgment in his Plea Agreement.

The United States provided notice to the Defendant in the Superseding Indictment that United States would seek to forfeit all property, real or personal, that constitutes or is derived from proceeds traceable to the conduct charged in the Superseding Indictment. The United States also provided notice that it would seek a money judgment.

The Defendant agreed in paragraph 20 of his Plea Agreement that the factual basis of his guilty plea supports a forfeiture in an amount to be determined at

sentencing, and he agreed to the imposition of a personal money judgment in that amount.¹

A money judgment may be imposed against a defendant in the amount of proceeds that the defendant acquired or obtained as a result of a criminal offense. *Honeycutt v. United States*, 581 U.S. ____, 137 S.Ct. 1626 (2017). The Defendant has agreed to the amount of loss reflected in the PSR, \$2,417,066.91. Because that is also the amount that the Defendant obtained from the crime, the United States seeks a money judgment in that amount. The parties agree there should be a credit for \$180,136.05 that was previously seized and has been administratively forfeited.

The United States moves the Court to impose a personal money judgment against the Defendant. A proposed form of order is provided for the Court's consideration.

Respectfully submitted,

Ryan K. Patrick
United States Attorney
Southern District of Texas

By: /s/ Melissa J. Annis
Melissa J. Annis
Assistant United States Attorney

¹ Federal Rule of Criminal Procedure 32.2(b)(1)(A) provides that “[i]f the government seeks a personal money judgment, the court must determine the amount of money that the defendant will be ordered to pay.” The Court’s forfeiture determination “may be based on evidence already in the record,” and the amount of the money judgment should be determined as soon as practical after a plea of guilty is accepted. FED.R.CRIM.P. 32.2(b)(1).

CERFIFICATE OF SERVICE

A true and correct copy of the United States' Motion for Money Judgment, was emailed to George McCall Secrest, Jr., counsel for Defendant Grudzinski on July 11, 2018.

s/Melissa J. Annis
Melissa J. Annis
Assistant United States Attorney

CERFIFICATE OF CONSULTATION

I certify that I conferred with counsel for the defendant, George McCall Secrest, Jr. on July 11, 2018, who indicated no opposition to the United States' Motion for Money Judgment or the proposed Order Imposing Money Judgment.

s/Melissa J. Annis
Melissa J. Annis
Assistant United States Attorney